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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,647

06/26/2006

Lionel Oisel

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EXAMINER

WONG, LESLIE

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,647	<b>Applicant(s)</b> OISEL ET AL.	
	<b>Examiner</b> LESLIE WONG	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/26/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the words "comprising" on line 2 and "comprises" on line 3 incorporate legal phraseology from claim language.

Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112, 6<sup>th</sup> paragraph***

2. Examiner notes that the phrase "means of" appear in many claims. It should be "means for" instead of "means of". Applicant is reminded that if the claimed limitations should invoke 35 U.S.C 112, sixth paragraph, the limitations should be amended to a proper means plus function format. See MPEP § 2181.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by **Schlack; John A. et al. (“Schlack”) (US 7260823 B2)**

Regarding claims 1 and 8, **Schlack** teaches a device and method for device and method for creating summaries of multimedia documents comprising a storage means and means enabling a user to view a multimedia document, comprising:

means of automatically weighting multimedia documents stored on the storage means according to the frequency with which the different stored documents are viewed by said user where a weight is assigned to each multimedia document (col. 31, lines 57-64; col. 17, lines 40-42, col. 21, lines 31-52; (total amt of time in minutes and click frequency); col. 22, lines 35-44; col. 29, lines 17-27; col. 30, lines 1-4; col. 32, lines 49-65 and Fig. 24),

means of creating a summary of the multimedia documents stored on the storage means according to the weighting assigned to each multimedia document (col. 19, lines 4-16 and Fig. 16 and Fig. 24).

Regarding claim 2, **Schlack** further teaches creating a summary of the stored multimedia documents creates a summary for the multimedia documents for which the weighting coefficient is greater than a predefined threshold (col. 26, lines 64-66).

Regarding claim 3, **Schlack** further teaches wherein each multimedia document having a type relating to the content of said document, said device additionally comprises a means of weighting the documents according to type of document (e.g., program categories) (Fig. 16, element 1610 and Fig. 24).

Regarding claim 4, **Schlack** further teaches the steps of:

dividing each multimedia document into scenes (Fig. 16, element 1610),  
weighting each scene of said multimedia document (Fig. 16, element 1620).

Regarding claim 5, **Schlack** further teaches wherein the means of creating a summary of the multimedia documents create a summary according to the weighting assigned to each scene of said multimedia document (Fig. 16, elements 1610 and 1620).

Regarding claim 6, **Schlack** further teaches wherein the means of creating a summary of the multimedia documents adapt the duration of the summary according to the weighting assigned to each document and to each scene of the stored multimedia documents (Fig. 16, elements 1620 and Fig. 21B).

Regarding claim 7, **Schlack** further teaches wherein it comprises means of storing the summaries in the storage means (col. 12, lines 1-7).

### ***Response to Arguments***

5. Applicant's arguments filed 07/13/2010 have been fully considered but they are not persuasive.

Applicant argues that Schlack does not teach automatically creates a digest of the multimedia documents stored on a storage device.

In response to the preceding arguments, Examiner respectfully submits that Schlack teaches the limitation: "automatically creates a digest of the multimedia documents stored on a storage device" as listing the top 20 programs by holding factor (Fig. 24). The listing of top view programs of Schlack as the program title of Fig. 24 shows a summary of the top 20 programs stored in the device that have received lots of viewings. The prior art further teaches that session data is saved and matched to a signature...the session and existing signatures are SCORED based on viewing time and access frequency (e.g., a session or signature with larger viewing time and/or click frequency contains more data with which to profile and thus receives a higher score). Based on the above Schlack must store the multimedia in the storage device to enable

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the comparison of the session data to track and calculate programs viewing frequency (col. 31, lines 40-41; 57-62; col. 32, lines 49-65 and Fig. 24).

Applicant argues that Schlack does not teach the limitation “means of creating a summary of the multimedia documents creates a summary according to the weighting assigned to each scene in said multimedia documents”.

In response to the preceding arguments, Examiner respectfully submits that the limitation “means of creating a summary of the multimedia documents creates a summary according to the weighting assigned to each scene in said multimedia documents” as the VCPS tracks the total time that each program is viewed (e.g., holding factor profile). For each program title, a holding factor along with the view duration and dwell time (in seconds) for a sample household is illustrated. Assuming a household watches channel A for 20 minutes, then returns to channel A for 20 minutes... the holding factor for the program on channel A is  $40/60=66.7\%$ . The prior art further teaches that session data is saved and matched to a signature...the session and existing signatures are SCORED based on viewing time and access frequency (col. 22, lines 30-44; col. 31, lines 40-41; 57-62 and Fig. 24).

The following table shows six signature bins and a total viewing time of 60,000 seconds. The two signature bins meet the viewing time are marked off limits (col. 32, lines 49-65)

Q	Slot	Time(s)	Days Since Update	Score	Description
Q	1	30000	20	N/A	off line
	2	10000	9	N/A	off line
	3	4000	11	2350	
	4	4000	8	4000	
	5	4000	16	2000	deleted
5	6	1000	2	1500	

Based on the above, it is submitted that Schlack teaches the limitation as claimed.

Applicant argues that Schlack only shows a listing of a user's preferences. This listing of a user's preferences is not the same as the creation of a summary of multimedia documents stored on the device of claims 1 and 8.

In response to the preceding arguments, Examiner respectfully submits that the limitation: creation of a summary of multimedia documents stored on the device as the prior art's listing of the top 20 programs by holding factor (col. 22, lines 30-35; Fig. 24). The broad language "summary of multimedia document" reads on the listing of top view programs of Schlack as the program title of Fig. 24 shows a summary of the top 20 programs stored in the device that have received lots of viewings.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE WONG whose telephone number is (571)272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES RONES can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LW  
September 20, 2010

/Leslie Wong/  
Primary Examiner, Art Unit 2164